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DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, JULY 16, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

SPECIAL ORDERS OF BUSINESS

ITEM-30: Terry Ruscin Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-14)

Proclaiming July 16, 2001 to be "Terry Ruscin Day" in recognition of his commitment to California's missions.

SUPPORTING INFORMATION:

Terry Ruscin through his dedication to the historical documentation of the settlement of California by his authorship of "Mission Memoirs" has shown the beauty of all the missions, asistencias, estancias and presidios in California. Terry has shown his commitment to increasing the public knowledge about the historical significance of the missions, as the first settlements in California. He has made the preservation, conservation and restoration of California's missions a priority as a concerned citizen and a Board Member of the California Missions Foundation. Terry has added to the rich cultural fabric of California's history by bringing us the photographs and narrative of his journey to the missions of California. He has devoted time and effort to the California Missions Foundation whose goal is to raise funds to ensure that all the missions have adequate financial resources for ongoing restoration and preservation efforts well into the next century. Terry has raised awareness about the missions through his tireless effort to display the architectural magnificence of the missions with the dramatic photography in his book "Mission Memoirs." Last, he has donated half of the proceeds of his book "Mission Memoirs" directly to the missions, and is helping to preserve these glorious structures for future generations. Therefore, this action proclaims July 16, 2001 to be "Terry Ruscin Day."

Balolong

SPECIAL ORDERS OF BUSINESS

ITEM-31: Gloria Grant Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-55)

Commending Gloria Grant for her dedicated service and proclaiming July 16, 2001 to be "Gloria Grant Day" in San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA (ITEMS 50 - 112) WILL BE DISCUSSED FOLLOWING ACTION ON THE ADOPTION AGENDA (ITEMS 150 - 205).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

None.

ORDINANCES TO BE INTRODUCED:

Items 50 and 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 112.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-50: Amendments to the City's Elections Code, Chapter 2, Article 7 of the San Diego Municipal Code.

(See Charles G. Abdelnour's 6/14/2001 memo; City Attorney's 6/13/2001 report; and City Clerk Report CCR-01-02.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-2)

Introduction of an Ordinance, amending Chapter II, Article 7, of the San Diego Municipal Code, relating to Elections, by amending Division 2, Section 27.0213 - Nominations; by amending Division 6, Sections 27.0608, 27.0620 and 27.0621 - Ballots for Candidates; by amending Division 7, Sections 27.0701 and 27.0709 - General Provisions for Filling Vacancies in Elective Offices; by amending Division 8, Sections 27.0801, 27.0802, 27.0803, 27.0804, 27.0805, 27.0806, and 27.0809 - Procedure for Filling Vacancies in Elective Offices by Appointment; by amending Division 9, Sections 27.0902 and 27.0907 - Procedure for Filling Vacancies in Elective Offices by Special Election; and by repealing Division 23, Sections 27.2301, 27.2302, and 27.2303.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 6/20/2001, RULES voted 5 to 0 to accept the report. (Councilmembers Wear, Atkins,

Stevens, and Madaffer and Mayor Murphy voted yea.)

SUPPORTING INFORMATION:

At the RULES Committee meeting on May 23, 2001, the Committee approved the staff recommendations contained in City Clerk's Report CCR-01-02 except to restore the word "business" to Section 27.0701. The Committee also directed the City Attorney to prepare a report on the legislative history of the City's process for filling vacancies in the offices of the Mayor, City Attorney and City Council. At the RULES Committee meeting on June 20, 2001, the City Attorney's Report was accepted and the proposed amendments were approved.

Abdelnour

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

* ITEM-51: Office Space Lease Agreement - 707 Broadway.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-4)

Introduction of an Ordinance authorizing the City Manager to execute a lease agreement with 707 Broadway, LLC, for a total leasehold area of approximately 15,009 square feet, at the base rent of \$19,750 per month;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$205,443.44 from the Library's Fund No. 100, Dept. 310, for rent and utility charges from the FY2002 Budget, and \$300,000 from the General Fund No. 100, Dept. 601, for moving costs and data infrastructure costs from the FY2002 Budget. These expenditures are contingent upon approval of the FY2002 Budget by the Mayor and City Council.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego City Library, located at 820 E Street, has expanded beyond current capacity. Expansion space has been located on the 3rd floor of the 707 Broadway Tower Building. The leased space would allow the Library to relocate Technical Service (the ordering, cataloging, and

processing of library materials), and the Branch Delivery function to alleviate space constraints at the Central Library. Approximately 8,000 square feet would be freed for public use at the Central Library. The additional public space would be used to:

- ! Expand the Gates/State Library funded computer lab.
- ! Create a separate area for the fast growing audiovisual collection.
- ! Create a Teen Space to accommodate the teenagers who have outgrown the Children's Room.

The Library is proposing to lease the space under the following basic terms:

TERM - Approximately 5 years. The target commencement date is September 15, 2001, expiring September 14, 2006.

RENT - Total rent per month is \$19,750. The total rent includes \$1.50 per square foot or \$14,223 per month for the office space and \$1 per square foot or \$5,527 per month for book storage space. These rental rates are below market compared to similar space in the downtown area.

UTILITY CHARGES - The electricity consumption will be separately metered and paid by the City. The estimated cost is approximately \$1,800 per month.

USE - General office use and Library book storage.

SIZE - 9,482 square feet of office space and 5,527 square feet of book storage space. Total square feet is 15,009.

OPTION TO EXTEND - The City has the option to extend the lease for five (5) additional years.

TENANT IMPROVEMENTS - The landlord will install the tenant improvements at the landlord's sole cost and expense. The cost of the improvements is estimated at \$280,000. In addition, the landlord will be paying up to \$80,000 to install the Library's data line infrastructure.

FISCAL IMPACT:

\$205,443.44 will be paid from the Library's Fund No. 100, Dept. 310, for rent and utility charges from the FY2002 Budget. In addition, \$300,000 will be paid from the General Fund No. 100, Dept. 601, for move costs and data infrastructure costs from the FY2002 Budget.

Herring/Griffith/DLM

Aud. Cert. 2200022.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Cancellation of the 2:00 p.m., Wednesday, November 21, 2001, Public Safety and Neighborhood Services Committee Meeting.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-61)

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2001 through December 31, 2001, to delete the Public Safety and Neighborhood Services Committee meeting of Wednesday, November 21, 2001 at 2:00 p.m.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-101: Appointment to the Commission of the Public Facilities and Financing Authority.

(See memorandum from Mayor Murphy dated July 2, 2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-97)

Council confirmation of the appointment by the Mayor of L. Renee Comeau, to serve as a member of the Commission of the Public Facilities and Financing Authority, for a term ending January 11, 2003, replacing Mary L. Walker, who has resigned.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-102: San Diego Surf Cup Days.

COUNCILMEMBER PETERS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-53)

Proclaiming July 29-30, August 4-6 and November 23-28, 2001 as “San Diego Surf Cup Days” in San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-103: Excusing Councilmember Jim Madaffer from the City Council Meeting of May 29, 2001.

COUNCILMEMBER MADAFFER’S RECOMMENDATION:

Adopt the following resolution:

(R-2002-52)

Excusing Councilmember Jim Madaffer from attending the regularly scheduled Council meeting of May 29, 2001.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-104: Thomas D. Felkner Day.

COUNCILMEMBER ATKINS’S RECOMMENDATION:

Adopt the following resolution:

(R-2002-94)

Recognizing the breadth of accomplishments of Thomas D. Felkner;

Proclaiming July 16, 2001 to be “Thomas D. Felkner Day” in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-105: San Diego Home Loan Counseling Service Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-100)

Supporting and encouraging the mission and goals of the San Diego Home Loan Counseling Service;

Recognizing the accomplishments of this organization for improving the quality of life for the people of San Diego, and proclaiming July 20, 2001 to be "San Diego Home Loan Counseling Service Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-106: Settlement of the Personal Claim of 4570 Investors, Limited.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1774 Cor. Copy)

A Resolution approved by the City Council in Closed Session on Tuesday, June 12, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; District 6-vacant; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$80,000 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. 720869, 4570 Investors Limited v. City of San Diego.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$80,000 made payable to 4570 Investors, Limited, and its attorney of record, Gregg B. Hovey, Hovey & Kirby, A.P.C, 402 West Broadway, Suite 1500, San Diego, California, in full settlement of the lawsuit and of all claims;

Declaring that the funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Personal Claim of 4570 Investors, Limited, against the City of San Diego, its agents and employees, as a result of an incident which occurred in 1995 to present. This action was approved by the City Council in Closed Session on June 12, 2001.

Herring/Oliva/MG

Aud. Cert. 2200021.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-107: Agreement with Orrick Herrington & Sutcliffe for Legal Services relating to the City of San Diego/MTDB Authority Lease Revenue Bonds (1994 Refundings) and Convention Center Expansion Financing.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-15 Cor. Copy)

Authorizing the City Manager to execute an agreement with Orrick, Herrington and Sutcliffe, in an amount not to exceed \$31,900, for legal services relating to the City of San Diego/MTDB Lease Revenue Bonds (1994 Refundings) and the Convention Center Expansion;

Authorizing the expenditure of an amount not to exceed \$16,900 from CIP-36-063.0, Central Police Garage Relocation, and an amount not to exceed \$15,000 from Fund 102211.

CITY MANAGER SUPPORTING INFORMATION:

The Agreement with Orrick Herrington & Sutcliffe ("Orrick") is for legal services related to the proposed New Main Library and Convention Center Financings. Orrick acted as bond counsel on the City of San Diego/MTDB Authority Lease Revenue Bonds (1994 Refundings) ("1994 Refunding Bonds ") and the Convention Center Expansion Financing Authority Lease Revenue Bonds, Series 1998A (City of San Diego, California as Lessee) ("1998 Bonds ").

The City is considering the construction of a New Main Library, and on June 5, 2000, the City Council selected the Park to Bay site for the location of the proposed facility. This site, which is located between 11th and 12th Avenues and J and K Streets, is the current location of the Police Heavy Vehicle Maintenance Facility (the "Police Garage").

The Police Garage is encumbered under a financing lease pertaining to the 1994 Refunding Bonds. Because the facility is encumbered under an existing financing lease, and because Orrick acted as bond counsel for the financing.

Orrick's services are necessary to review any legal issues associated with utilizing the site for the proposed New Main Library, including the need to execute an asset substitution under the applicable financing lease, which the City Council had previously approved.

Orrick's prior experience as bond counsel on the 1998 Bonds makes them uniquely qualified to assist the City on legal issues pertaining to the Convention Center Expansion.

Devaney/KS

Aud. Cert. 2101299.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-108: Joint Use Agreement with the San Diego County Water Authority.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-23)

Authorizing the City Manager to execute a Joint Use Agreement with the San Diego County Water Authority (SDCWA) for the installation of the 84-inch diameter Miramar 2A Pipeline and Tunnel within the SDCWA Easement.

CITY MANAGER SUPPORTING INFORMATION:

Miramar Water Treatment Plant (WTP) Early Start Improvements Project Phase I represents initial improvement components outside the Miramar WTP perimeter necessary to achieve the expansion of the plant from 140 million gallon per day (MGD) to 215 MGD. Miramar WTP Early Start Improvements Project Phase I consists of improvements to Miramar water distribution system which include the installation of the 84-inch diameter Miramar 2A Pipeline

and Tunnel. As part of the Miramar Water Treatment Plant Upgrade, the City of San Diego desires to tunnel under the San Diego County Water Authority's pipeline to construct the 84-inch diameter Miramar 2A Pipeline.

This Joint Use Agreement will allow both agencies to access their pipelines for repair and maintenance.

FISCAL IMPACT:

None.

Loveland/Gardner/NK

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-109: Supporting ABX2 6 (Kelley), if Amended.

(See Memorandum from Sloat Higgins Jensen and Associates dated 6/15/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-91)

Supporting ABX2 6 (Kelley) relating to reclaimed water/electrical energy, if it is amended to include San Diego County.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 6/20/2001, RULES voted 5 to 0 to support ABX2 6, if amended to include San Diego County. (Councilmembers Wear, Atkins, Stevens, Madaffer, and Mayor Murphy voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Approving the Plans and Specifications and Inviting Bids for the Construction of Bonita Pipeline Phase II.

(See Memorandum from Larry Gardner dated 6/8/2001. Mount Hope, Chollas View, Mountain View and Golden Hills Community Areas. Districts-4 and 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-1451)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Bonita Pipeline - Phase II, on Work Order No. 182451;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,933,957 from Water Revenue Fund 41500, CIP-70-920.0, Bonita Pipeline - Phase II, and \$87,616 from CIP-73-331.0, Annual Allocation for Pooled Contingency, contingent upon passage of the Fiscal Year 2002 Capital Improvement Program Budget and Appropriation Ordinance, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-01082C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/13/2001, NR&C voted 4 to 0 to approve. (Councilmembers Wear, Frye, Madaffer, and Inzunza voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Bonita pipeline was constructed in 1915 and is one of the City's oldest water transmission mains. The pipeline conveys water from both the Alvarado and Otay Water Treatment Plants to service customers in the central and southeastern portions of the City. Previous upgrades have included replacing approximately 1.1 miles of the original pipeline in 1993 and 3.2 miles in 1994. To ensure a safe and reliable water supply, the Bonita Pipeline Phase II will replace the three remaining sections of the original 1915 pipeline with 30-inch pipe. Also as part of the commitment with the Department of Health Services and in accordance with Compliance Order 0414-96-022, Nos. 67 and 68, the City shall begin construction of the remaining sections totaling 3,200 feet by October 31, 2001 and shall complete construction by October 1, 2003.

This replacement will take place in three segments.

Segment 1 begins east of 30th Street on Broadway, and extends approximately 1,300 feet east

through an underdeveloped right-of-way, where it connects to an existing pipeline under State Route 94.

Segment 2 begins at Hilltop Drive and extends south approximately 1,400 feet on 45th Street to Market Street.

Segment 3 begins at the intersection of Imperial Avenue and YMCA Way and extends north approximately 500 feet.

Replacing the above three sections will complete the replacement of the entire original Bonita Pipeline which began in 1950. This upgrade is necessary to meet the future demands and to maximize the water transmission needs of the system.

FISCAL IMPACT:

Total estimated cost of this project is \$2,398,993. This request is for \$2,021,573 of which \$1,933,957 is available from Water Fund 41500, CIP-70-920.0, Bonita Pipeline Phase II and \$87,616 is available in Water Revenue Fund 41500, CIP-73-331.0, Annual Allocation Water Pooled Contingency.

Loveland/Gardner/NMK

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Sewer and Water Group 638 - Request for Additional Funds.

(See Memorandum from Frank Belock dated 5/24/2001 and Frequently Asked Questions About Group Jobs. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1754 Cor. Copy)

Approving Change Order Nos. 2 and 3, with DJF Construction Corporation for Sewer and Water Group 638;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$185,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation, Sewer Main Replacement (\$45,000 for engineering services and \$140,000 for additional project contingencies);

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$28,750 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for additional contingencies associated with the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

On November 1, 1999, the City Council approved the plans and specifications and authorized the execution of a contract for Water and Sewer Group 638 (RR-292395).

The City Manager awarded a contract for \$1,172,272.60 to DJF Construction Corporation. The existing sewer laterals on Alcott Street were discovered to be in a different location than what was determined from existing City records. This constituted a changed condition and required the re-design of the new sewer to accommodate the existing sewer laterals.

During construction of the sewer main an existing, deteriorated water service failed and was repaired by City forces. Subsequently, the service failed two more times causing damage to the sewer main trench and work site. The contractor was instructed to repair all damage and restore the site. Due to these incidents, the bid items for trench resurfacing needed to be adjusted to accommodate the additional work required.

The additional funds requested are necessary for the work associated with the changes in the scope of work. These changes include additional engineering design and inspection and construction operations cost.

FISCAL IMPACT:

The revised total estimated cost of this project is \$2,170,152 of which \$1,956,402 was previously authorized. The request of \$185,000 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$28,750 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, of which \$45,000 is for engineering services and \$168,750 is for additional project contingencies.

Loveland/Belock/HR

Aud. Cert. 2101244.

WWF-01-518.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-112: Settlement of the Personal Injury Claims of John Garcia.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-56)

A Resolution approved by the City Council in Closed Session on Tuesday, June 5, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$77,722.54 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to John Garcia (Superior Court Case No. GIC-751861, John Garcia v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$65,000 made payable to John Garcia and attorney of record in full settlement of the lawsuit and all claims, and another check in the amount of \$12,722.54 to John Garcia for back pay.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of John Garcia against the City of San Diego, its agents and employees, as a result of the incidents which occurred on January 22, 2000 and May 27, 2000.

Herring/Oliva/JE

Aud. Cert. 2101280.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:

ITEM-150: First Amendment of Agreement with O'Brien Kreitzberg for Construction Management Services.

(See Larry Gardner's Memorandum dated 6/8/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-48)

Authorizing the City Manager to execute a First Amendment to the Construction Management Services Agreement with O'Brien Kreitzberg, Inc. to provide construction management services for ongoing and projected construction projects;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$9,139,693 from Water Revenue Fund 41500, for the purpose of funding this first amendment, contingent upon passage of the Fiscal Year 2002 Capital Improvement Program Budget and Appropriation Ordinance, and provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/13/2001, NR&C voted 4 to 0 to approve the recommendation. (Councilmembers Wear, Frye, Madaffer and Inzunza voted ye. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is implementing a large and aggressive Capital Improvement Program (CIP) to build, upgrade, and rehabilitate the water system infrastructure. More than two years ago, the need to obtain professional construction management services was identified by Value Engineering Workshops of various CIP projects as an essential part of achieving the goals and time schedule of the Water Department to ensure protection and efficient operation of Water facilities.

Construction Management Services ensures construction completion of tasked projects from a construction-bid award up to acceptance of the project by the Water Department Operations staff. Construction Management Services includes providing Construction Administration Services (start up and close out of each project, chair progress meetings, coordinate with other agencies, negotiate claims and changed condition), Quality Assurance & Quality Control (enforce plans and specifications, perform daily and specialty inspection, review project schedule and budget), and Document Control and Records Management (generate, distribute, and file construction documents and correspondence).

Following a competitive construction management selection process, the City Council approved Resolution R-291531 for two phased agreements for construction management services to support the execution of the Water Department Capital Improvement Program (CIP). One agreement with O'Brien Kreitzberg, Inc. is for a total contract dollar amount of \$3,993,914 and the other one with Corrao Brady Group is for a total dollar amount of \$4,055,256.

However, the contract with the Corrao Brady Group was not awarded because the firm's partnership was dissolved. O'Brien Kreitzberg, Inc. was the only Construction Management firm awarded a contract for managing multiple CIP construction projects for the Water Department effective April 26, 1999 for a total amount of \$3,993,914.

The Water Department / CIP Program Management Division tasked O'Brien Kreitzberg, Inc. to provide additional Construction Management Services, originally intended to be tasked to the other Construction Management firm, for various water facilities.

This First Amendment to the original agreement with O'Brien Kreitzberg, Inc. is necessary in order to continue providing Construction Management Services for ongoing and projected future CIP construction projects including managing the Water Department \$10 million Job Order Contract.

The knowledge and the involvement of the O'Brien Kreitzberg firm with the CIP program-wide goals and time schedule to upgrade, expand, and rehabilitate the water infrastructure will allow the continuation of providing more efficient, consistent, and cost effective Construction Management Services to the CIP Program.

FISCAL IMPACT:

Funding in the amount of additional \$9,139,693 is available in the Water Revenue Fund 41500 to fund the Amended Agreement.

<u>Fiscal Year</u>	<u>Dollar Amount</u>
2002	\$4,259,550
2003	\$3,581,757
2004	<u>\$1,298,386</u>
Total	\$9,139,693

Loveland/Gardner/NK

Aud. Cert. 2200025.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-200: Third Update to the Land Development Code - Homeless Facilities.

(Continued from the meeting of 5/29/2001, Item 331d, at the request of Councilmember Inzunza, for further review and clarification from the City Attorney's office.)

Matter of approving, conditionally approving, modifying or denying the portion of the Third Update to the Land Development Code regarding Homeless Facilities.

(City-wide)

NOTE: Hearing open. No testimony taken on 5/29/2001.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-109 Cor. Copy)

Introduction of an Ordinance amending Chapter 14, Article 1, Division 4 of the San Diego Municipal Code, by amending Section 141.0412, relating to Homeless Facilities, to provide that emergency shelters which are accessory uses to religious institutions or religious organizations operating for 30 days or less in any 365-day period are exempt from this section; declaring that outside the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its passage. Within the Coastal Overlay Zone, this ordinance shall be in effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment.

OTHER RECOMMENDATIONS:

Planning Commission voted 7 - 0 to approve; no opposition.

Ayes: Steele, Anderson, Brown, Butler, Skorepa, Stryker, and Garcia

Nays: None

This is a matter of City-wide effect.

ENVIRONMENTAL IMPACT:

Action on the amendment to Section 141.0412 (Homeless Facilities) of the Land Development Code is exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: City-wide Franchise Agreement.

Agency Negotiator: George I. Loveland, Senior Deputy City Manager
Patricia Frazier, Deputy City Manager
Deborah Berger, Deputy City Attorney.

Negotiating Parties: San Diego Gas & Electric.

Under Negotiation: Price and Terms.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on July 17, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-202: Purchase of Triple Combination Fire Apparatus - Award of Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-16)

Accepting the low bid meeting specifications of Pierce Manufacturing, Inc. and authorizing the City Manager to execute a contract for furnishing Triple Combination Fire Apparatus at a cost of \$441,517.48 each, including sales tax, plus radios at the City's contract price from Motorola Inc., as may be required for a period of one (1) year beginning on the date of award of the contract, with options to renew the contract for four (4) additional one (1) year periods, with price escalations not to exceed 3% of prices in effect at the end of each prior contract year;

Authorizing an initial order for twelve (12) units at an estimated cost of \$6,605,000 including sales tax, radios and lease payments;

Authorizing the City Manager to finance the acquisition under the Equipment and Vehicle Lease Program over a period of seven (7) years;

Authorizing the expenditure of funds, estimated not to exceed \$382,000, from Fund No. 100, Department No. 120, Organization No. 2252, Object Account No. 6029, and Job Order No. 005700 for cash payment of sales tax for the contract; and authorizing the Auditor and Comptroller, upon advice from the Fire Department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-4018-01-A)

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is for the purchase of Triple Combination Fire Apparatus for the Fire Department as may be required for a period of one (1) year from the date of award of the contract, with options to renew for four (4) additional one (1) year periods, with option period increases not to exceed 3% of prices in effect at the end of the prior option period. The initial order will be for twelve (12) units. These units will replace those which no longer meet the Fire Department's day to day operational needs. Six (6) of the replaced units will be added to the reserve fleet and the others will be disposed of.

Thirty-three (33) potential bidders were contacted, five (5) bids were received per the tabulation. The recommended award is to Pierce Manufacturing, Inc., the low bidder meeting specifications. The apparent low bids from American LaFrance and Westates were rejected as they failed to meet the specifications for critical requirements.

In the original bid document it was estimated that only four (4) units would be ordered. However, the City requested discounts for orders in excess of the original estimated quantity and Pierce Manufacturing offered a discount of \$2,000 per unit for orders of nine or more. The total estimated cost for this contract takes into account the quantity discount offered by Pierce Manufacturing, and also the addition of portable radios which are being supplied to Pierce Manufacturing at the City contract price by Motorola.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Equipment and Vehicle Lease Program for Fiscal Year 2002, the estimated payment for sales tax is \$382,000 (rounded), for Fiscal Year 2003 through Fiscal Year 2009 lease payments of \$889,000 (rounded). Total expenditure \$6,605,000 (rounded).

Loveland/Baldwin/FM/PK

Aud. Cert. 22000014.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-203: Spring Canyon Water Easement/Easement Quitclaim.

(Continued from the meeting of 5/29/2001, Item 102, at the request of Councilmember Maienschein, for more information from staff for further review.)

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1479)

Authorizing the acceptance of an Easement Deed from the U.S. Navy, executed in favor of the City of San Diego, conveying to the City an easement over, under, upon, along and across its real property for water line purposes;

Authorizing the City Manager to execute a Quitclaim Deed, quitclaiming to the United States of America (U.S. Navy), all the City's right, title and interest in an old road easement.

CITY MANAGER SUPPORTING INFORMATION:

In 1995 the City approved a Rezone, Planned Residential Development (PRD) Permit, Tentative Map (TM) and Resource Protection Ordinance (RPO) Permit for a 69-unit single-family residential development known as Spring Canyon at Scripps Miramar Ranch. The Spring Canyon Project required a water line easement across United States of America (U.S. Navy) property for a 12 inch looped pipeline as an off-site requirement for this development. As a part of this action, the City will quitclaim a road easement to the United States of America (U.S. Navy), which is located on their military base and no longer meets any City or public needs. The acceptance of the Easement Deed and execution of the Quitclaim Deed are subsequent actions to satisfy conditions of the previously approved project.

FISCAL IMPACT:

None.

Herring/Griffith/RAG

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-204: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

In the matter of directing the City Manager to enter into a new lease with the YMCA at Torrey Hills Neighborhood Park (APN-307-451-57) and to extend the existing La Jolla (APN-346-711-07) and Peninsula (APN-449-110-09) YMCA leases.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on July 17, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-205: Conference with Real Property Negotiator, pursuant to California Government Code

Section 54956.8:

Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04).

Agency Negotiator: Real Estate Assets Director.

Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.

Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on July 17, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-250: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "H and A Subdivision," a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be deemed approved and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 5:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEMS PULLED FROM CONSENT

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT